

WASHINGTON STATE FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM MANUAL



**Washington State Military Department
Emergency Management Division**

June 2002

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Timothy J. Lowenberg, Major General, The Adjutant General
Director, Washington Military Department
Camp Murray, Washington 98430-5122

Glen Woodbury, Director of Emergency Management Division
Building 20
Camp Murray, Washington 98430-5122

Toll free (800) 562-6108

Please send all documents to the address below:

Donna J. Voss
Washington Military Department
Emergency Management Division
Post Office Box 40955
Olympia, Washington 98504-0955

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WASHINGTON STATE FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM

I. INTRODUCTION

When a fire or fire complex threatens such destruction as would constitute a major disaster, federal assistance may be authorized to any state for the mitigation, management, and control of fires burning on publicly or privately owned forests or grasslands.

The Fire Management Assistance Grant Program (FMAGP) was established under the Disaster Mitigation Act of 2000, Section 420 of the Stafford Act, 42, U.S.C. 5187. This program, implemented on October 30, 2001, replaces the Fire Suppression Assistance Program.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, authorizes federal financial assistance to help states with the mitigation, management, and control of fires on publicly or privately owned forest or grasslands that could develop into a major disaster. A request for a Fire Management Assistance Declaration by the Governor's Authorized Representative facilitates this assistance. Upon approval by the Federal Emergency Management Agency (FEMA), the Fire Management Assistance Declaration is granted. The amount of financial assistance available depends upon the state meeting or exceeding the fire cost threshold through eligible expenditures for an individual fire, or eligible expenditures on a cumulative basis for the calendar year. The individual fire cost threshold set for the state of Washington for the year 2002 is \$315,335.¹ The cumulative threshold is \$946,006.²

The Governor's Authorized Representative, or alternate, is responsible for the program administration.

II. ELIGIBILITY

Eligible Applicants

State agencies, local governments, and tribal governments are eligible applicants to receive financial assistance under a Fire Management Assistance Declaration.

Cost Principles

Cost principles are outlined in 44 CFR Part 13.22, Allowable Costs, and the associated OMB Circular A-87, Cost Principles for State and Local Governments.

¹ The individual fire cost threshold for the State is the greater of \$100,000 or $5\% \times \$1.07 \times$ the state population, adjusted annually for inflation using the Consumer Price Index for All Urban Consumers published by the Department of Labor.

² The cumulative fire cost threshold is the greater of \$500,000 or three times the $5\% \times \$1.07 \times$ the state population.

Eligible Costs

All eligible work and related costs must be associated with the federally approved incident period of a declared fire.

Eligible costs include costs for the following items:

1. Equipment and supplies
 - A. Personal comfort and safety items normally provided by the state under field conditions for firefighter health and safety.
 - B. Firefighting supplies, tools, materials, expended or lost, to the extent not covered by reasonable insurance, will be replaced with comparable items.
 - C. Operation and maintenance costs of publicly-owned, contracted, rented, or volunteer firefighting department equipment used in eligible firefighting activities to the extent any of these costs are not included in applicable equipment rates.
 - D. Use of U.S. government-owned equipment based on reasonable costs as billed by the federal agency and paid by the state. (Only direct costs for use of Federal Excess Personal Property (FEPP) vehicles and equipment on loan to State Forestry and local cooperators may be eligible.)
 - E. Repair of equipment damaged in firefighting activities to the extent not covered by reasonable insurance. Eligible cost of repairs will be based on the lowest applicable equipment rates or other rates as determined by FEMA.
 - F. Replacement of equipment lost or destroyed in firefighting activities to the extent not covered by reasonable insurance. Replacement will be with comparable equipment.
2. Labor
 - A. Overtime for permanent or reassigned state and local employees.
 - B. Regular time and overtime for temporary and contract employees hired to perform fire-related activities.
3. Travel and per diem
 - A. Travel and per diem of employees who are providing services directly associated with eligible fire-related activities may be eligible.
 - B. Provision of field camps and meals when made available in lieu of per diem.

4. Pre-positioning costs

- A. Pre-positioning federal, out-of-state, and international resources for up to 21 days before the fire declaration, when approved by FEMA.
- B. Pre-positioning costs must be approved by FEMA. Requests for pre-positioning costs must be submitted to FEMA within seven days of approval of a fire management assistance declaration.

5. Emergency work

FEMA may authorize the use of section 403 of the Stafford Act, Essential Assistance, under an approved fire management assistance grant when directly related to the mitigation, management, and control of the declared fire. Essential assistance activities that may be eligible include, but are not limited to, police barricading and traffic control, extraordinary emergency operations center expenses, evacuations and sheltering, search and rescue, arson investigation teams, public information, and the limited removal of trees that pose a threat to the general public.

6. Temporary repair of damage caused by firefighting activities

Temporary repair of damage caused by eligible firefighting activities involves short-term actions to repair damage directly caused by the firefighting effort or activities. This includes minimal repairs to bulldozer lines, camps, and staging areas to address safety concerns, as well as minimal repairs to facilities damaged by the firefighting activities such as fences, buildings, bridges, roads, etc. All temporary repair work must be completed within 30 days of the close of the incident period for the declared fire.

7. Mobilization and demobilization costs directly related to the declared fire as approved by FEMA

8. Reasonable costs for the mitigation, management, and control of declared fires burning on co-mingled federal/state lands, where the state has the responsibility for suppression activities under an agreement to perform such action on a non-reimbursable basis, and when such costs are not reimbursable by another federal agency

Ineligible Costs

Costs not directly associated with the incident period are ineligible.

Ineligible costs include, but are not limited to, the following:

1. Costs incurred in the mitigation, management, and control of undeclared fires

2. Costs related to planning, pre-suppression activities (i.e., cutting fire-breaks without the presence of an imminent threat, training, road widening), and recovery (i.e., land rehabilitation activities, such as seeding, planting, and erosion control, salvage of timber or other materials, and restoration of facilities damaged by fire)
3. Costs for the straight or regular time salaries and benefits of an applicant's permanently employed or reassigned personnel
4. Costs for mitigation, management, and control of a declared fire on co-mingled federal land, when such costs are reimbursable to the state by a federal agency under another statute (see 44 CFR part 51)
5. Costs incurred fighting fires on federal land

III. FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM PROCEDURES

The following procedures describe the application and approval process for a subgrant under the Fire Management Assistance Grant Program.

1. ***Request for Fire Management Assistance (RFMA) (FEMA Form 90-58)***
Submitting an RFMA form, is the first step taken by an applicant to indicate an intention to apply for federal assistance under a fire management assistance declaration. The representative of the affected entity (state, local, or tribal government) fills out this form, however it does not commit the entity to any financial obligation.

The purpose of this form is to identify interested applicants, and their points of contact, including addresses and telephone numbers.

- A. State, local, and tribal governments must submit a Request for Fire Management Assistance to the state no later than 30 days after close of the incident period.
- B. The state will review the request and forward it to FEMA for approval.
- C. FEMA will approve or deny the request based on the eligibility requirements outlined in the previous section.
- D. The state will inform the applicant of FEMA's decision to approve or deny the request.

The *Request for Fire Management Assistance* form is found in Appendix C.

2. ***Designation of Applicant's Agent***
The affected entity appoints an official representative to be the point of contact. This individual must be authorized to make decisions on behalf of the entity. All

correspondence will be sent to the applicant agent. All invoice vouchers for payment of funds to the applicant must be signed by the applicant agent.

The designation of an applicant's agent must be made by either resolution or letter. The resolution must have the signatures of the majority of the voting members of the governing body. Their titles may be typed. The signed resolution may be photocopied; but the **certification** needs to have the **original signature** of the clerk of the governing body.

In lieu of this form, a letter from the chief executive officer for the entity (i.e., mayor, city manager, fire chief, etc.) may be substituted. However, one may not appoint oneself as the applicant agent.

The *Designation of Applicant's Agent Resolution* form is found in Appendix C.

3. **State Fire Management Assistance Grant Application**

A one-page formal application document must be completed by the applicant.

This document is the application for funding with the state. The original form must be submitted. A photocopy of the signed application will not be accepted. A copy of this signed document will be sent to the applicant after it has been signed by the Governor's Authorized Representative or alternate.

The *State Fire Management Assistance Grant Application* form is found in Appendix C.

4. **Agreement**

Each approved applicant (state, local or tribal government) must enter into an agreement with the Emergency Management Division of the Washington State Military Department (EMD). The agreement describes the roles, responsibilities, conditions, and assurances that must be met for receipt of federal funds. The Public Assistance Program Administrator with EMD, will be the primary contact for all transactions with, and on behalf of the applicant.

5. **Final Costs Claimed**

As soon as the final costs have been compiled for the applicant's fire management costs, a Final Costs Claimed form must be forwarded to EMD. These costs must be submitted no later than six months following the end of the incident period for the declared fire.

Upon receipt of the Final Costs Claimed form, a FEMA-state team will contact the applicant agent to arrange a site visit to review the financial records supporting the claimed costs. This meeting should occur within two weeks of submittal of the final costs. All costs claimed will be reviewed for eligibility. The team will prepare a Project Worksheet (PW) to cover the eligible costs claimed for the fire.

Upon receipt of all of the project worksheets for all applicants, the eligible costs will

be compiled to ensure that the fire threshold has been met. Upon verification that this requirement has been met, the project worksheets will be forwarded to FEMA for review and approval.

The *Final Costs Claimed* form is found in Appendix C.

6. ***Project Worksheet (FEMA Form 90-91)***

Once FEMA has approved an applicant's Request for Fire Management Assistance, the applicant has submitted a Final Costs Claimed form, and EMD has reviewed the costs claimed, FEMA and/or state personnel will then work with the local applicant in the preparation of the Project Worksheet(s) (PW).

A. Any PW with total costs reported under \$1,000 is ineligible for reimbursement.

B. EMD will notify the applicants when their PW's have been approved.

The *Project Worksheet* form is found in Appendix C.

7. ***Payments***

Funding is available for payment to the applicant only after FEMA has approved the PW. Typically, each applicant will have only one PW per fire declaration. When FEMA approves funding for a declared fire, the project worksheet will be approved with funding attached.

A. ***Project Worksheet Approval*** - Upon receiving approval of a PW, the applicant will be notified in writing of the funding amount, the breakdown on a cost share basis and receive a completed A-19 Invoice Voucher.

B. ***Invoice Voucher (A-19-1A)*** - Upon receipt of the project funding approval, the applicant agent should immediately sign the A-19 Invoice Voucher for the funds due and submit it to EMD for payment. The invoice voucher requires the signature of the designated applicant agent. Our mailing address is:

Fire Management Assistance Grant Program
Emergency Management Division
Washington Military Department
Post Office Box 40955
Olympia, Washington 98504-0955

Payment for the approved funds will be processed upon receipt of the A-19.

The *A-19-1A Invoice Voucher* form is found in Appendix C.

8. **Closure**

After payment of the approved funding, the applicant's file will be closed unless an appeal is filed. The applicant will be notified by letter that the grant is closed.

All grants for a declared fire are required to be approved, funded, paid and closed within nine months following the end of the incident period. On a case by case basis, an exception of up to three months may be requested.

9. **Appeals**

An eligible applicant may appeal any determination made by FEMA according to the following procedures.

- A. **Levels of Appeal** - A first appeal is made through EMD to the Regional Director of FEMA. If that determination is also appealed, a second appeal through EMD to the Associate Director of FEMA is possible.
- B. **Format and Content** - The applicant shall make an appeal in writing through EMD to the Regional Director of FEMA. The appeal should contain **documented justification** supporting the applicant's position, the monetary figure in dispute, and provisions in federal law, regulation, or policy with which the applicant believes the initial action was inconsistent.
- C. **Time Limits** - Applicants must file appeals within 60 days after receipt of notice of the action that is being appealed.

EMD will review and forward appeals from an applicant with a written recommendation to the Regional Director within 60 days of receipt.

The Regional Director will notify EMD of the disposition of an appeal, or the need for more information, within 90 days following the receipt of an appeal.

- D. **Second Appeal and Final Decision** - Written appeal and time limits outlined for the first appeal are followed for the second appeal. The decision of the Associate Director at the second level of appeal will be the final administrative decision of FEMA.

10. **Documentation**

Applicants should establish a filing system to maintain all records pertaining to their applications for fire management assistance. These records should be easily accessible to state and federal auditors. Records are required to be maintained for a period of six years from the date of closure of each applicant's grant application.

11. **Audit Requirements**

Audits are required in compliance with the Federal Single Audit Act. Audits will be performed under 44 CFR 13.26. FEMA may elect to conduct a program-specific federal audit.

When an audit is required, one copy of the audit report shall be sent to the Chief Financial Officer of the Military Department within nine months after the close of the fiscal year.

All applicants receiving financial assistance from the Federal Emergency Management Agency must comply with OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations. That circular provides government-wide standards for implementing the Single Audit Act of 1984, Public Law 98-502, rescinds OMB A-128 and replaces Attachment P to OMB Circular A-102.

For audit purposes, the Act divides state and local governments into two categories as follows:

- A. Recipients of \$300,000 or more in total federal financial assistance in one fiscal year must have an audit made for that year in accordance with OMB Circular A-133.
- B. Recipients of less than \$300,000 in total federal financial assistance in a fiscal year are exempt from compliance with the Act and other federal audit requirements.

IV. FUNDING

All fire management assistance grants are subject to a cost share.

1. *Federal Funding*

FEMA provides 75 percent of the funding for approved, eligible costs for each applicant.

2. *Non-Federal Funding*

The applicant is responsible for the 25 percent non-federal share.

3. *Duplication and Recovery of Assistance*

- A. ***Duplication*** - FEMA provides supplementary assistance under the Stafford Act, which generally may not duplicate benefits received by, or available to the applicant from another source (i.e., insurance, legal awards, other assistance programs, other federal agencies, etc.). Grants will be reduced by amounts available from other sources.
- B. ***Negligence*** - FEMA will not provide assistance to an applicant for costs attributable to the applicant's own negligence. Also, if an applicant suspects negligence by a third party for causing a condition which was funded by FEMA under the Fire Management Assistance Grant Program, the applicant is responsible for taking all reasonable steps to recover those funds. These funds must be repaid to FEMA through EMD.

- C. ***Intentional Acts*** - Any person who intentionally causes a condition for which assistance is provided by FEMA, shall be liable to the United States to the extent that FEMA incurs costs attributable to the intentional act or omission that caused the condition. FEMA may provide assistance, but it will be conditioned on an agreement by the applicant to cooperate with FEMA in efforts to recover the assistance from the liable party. However, a person shall not be liable under this section as a result of actions the person takes or omits in the course of rendering care or assistance in response to the fire.
- D. ***Recovery of Overpayments*** - Every effort is made to avoid instances where applicants receive more funds than can be supported by documentation. If an overpayment is determined, EMD will send a letter to the applicant requesting repayment of the funds.

When an applicant is required to return overpayments to the State, the warrant must be made payable to the Military Department, Emergency Management Division.

V. STATE AND FEDERAL LAWS TO BE OBSERVED

The applicant must comply with all state and federal laws in performing all tasks undertaken with respect to the Fire Management Assistance Grant Program. The following sections are intended for informational purposes and do not include all relevant laws. It is the applicant's responsibility to comply with all federal, state, and local laws.

- A. PUBLIC LAW 88-352, TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (42 U.S.C. 2000d et seq.) (24 CFR Part 1)

The applicant must comply with the provisions of Public Law 88-352, which refers to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). The law provides that no person in the United States shall, on the grounds of race, color or national origin, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity receiving federal financial assistance.

- B. SECTION 504 OF THE REHABILITATION ACT, 1973, AS AMENDED (29 U.S.C. 794)

The applicant must comply with Section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified individual shall, solely by reason of his or her disability, be excluded from participation (including employment), denied program benefits or be subjected to discrimination under any program or activity receiving federal assistance funds.

C. AMERICANS WITH DISABILITIES ACT (42 U.S.C. 12101, et seq.)

The applicant shall comply with the provisions of the Americans with Disabilities Act, 42 U.S.C. 12101, et. seq. That Act provides a comprehensive national mandate to eliminate discrimination against individuals with disabilities. The Act may impose requirements on the applicant in four principle ways: 1) with respect to employment; 2) with respect to the provision of public services; 3) with respect to transportation; and 4) with respect to existing facilities and new construction.

D. COPELAND ACT (Anti-Kickback Act) (40 U.S.C. 276c)

The applicant shall comply with the Copeland Act, which makes it a criminal offense for any person to induce, by any manner whatsoever, any other person employed in the construction, prosecution, completion, or repair of any public building, or work financed in whole or in part by loans or grants from the United States government, to give up any part of the compensation to which he or she is entitled under his or her contract of employment. Compensation shall consist of wages and approved fringe benefits.

E. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (40 U.S.C. 327 et seq.)

The applicant shall comply with the provisions of the Contract Work Hours and Safety Standards Act. According to this Act, no contract work may involve or require laborers or mechanics to work in excess of 40 hours in a work week, unless compensation of not less than one and one-half times the basic rate is paid for the overtime hours. If the Act is violated, the applicant or subcontractor is liable to any affected employee for unpaid damages as well as to the United States government for liquidated damages. These requirements apply to rehabilitation of residential property only if such property is designed for residential use for eight or more families.

F. THE CLEAN AIR ACT, AS AMENDED (42 U.S.C. 7401 et seq.)

The applicant shall comply with the Clean Air Act, which prohibits (1) engaging in, (2) supporting in any way or providing financial assistance for, (3) licensing or permitting, or (4) approving any activity which does not conform to the state implementation plan for natural primary and secondary ambient air quality standards. The applicant shall ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the program are not listed on the U.S. Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Department of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by EPA.

G. EXECUTIVE ORDER 11990, MAY 24, 1977: PROTECTION OF WETLANDS (42F.R. 26961 et seq.)

The applicant shall comply with Executive Order 11990. The intent of this Executive Order is (1) to avoid, to the extent possible, adverse impacts associated with the destruction or modification of wetland, and (2) to avoid direct or indirect support of new construction in wetlands wherever there is a practical alternative.

The applicant, to the extent permitted by law, must avoid undertaking or providing assistance for new construction located in wetlands unless (1) there is no practical alternative to such construction, and (2) the proposed action includes all practical measures to minimize harm to wetlands which may result from such use. In making this determination, the applicant may take into account economic, environmental and other pertinent factors.

H. EXECUTIVE ORDER 11988, MAY 24, 1977: FLOODPLAIN MANAGEMENT (42 F.R. 26951 et seq.)

The applicant shall comply with the provisions of Executive Order 11988. The intent of this Executive Order is to (1) avoid, to the extent possible, adverse impacts associated with the occupancy and modification of floodplains, and (2) avoid direct or indirect support of floodplain development wherever there is a practical alternative. If the applicant proposes to conduct, support or allow an action to be located in a floodplain, the applicant must consider alternatives to avoid adverse effects and incompatible involvement in the floodplain. If siting in a floodplain is the only practical alternative, the applicant must, prior to taking any action, (1) design or modify its actions in order to minimize any potential harm to the floodplain, and (2) prepare and circulate a notice containing an explanation of why the action is proposed to be located in a floodplain.

I. THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED (16 U.S.C. 1531 et seq.)

The applicant shall comply with the Endangered Species Act of 1973, as amended. The intent of this Act is to ensure that all federally assisted projects seek to preserve endangered or threatened species. Federally authorized and funded projects must not jeopardize the continued existence of endangered and threatened species or result in the destruction of or modification of habitat of such species which is determined by the U.S. Department of the Interior, after consultation with the state, to be critical.

J. THE RESERVOIR SALVAGE ACT OF 1960, AS AMENDED BY THE ARCHAEOLOGICAL AND HISTORIC PRESERVATION ACT OF 1974 (16 U.S.C. 469 et seq.)

Under the Reservoir Salvage Act, the applicant must comply with provisions for the preservation of historical and archaeological data (including relics and specimens) that might otherwise be irreparably lost or destroyed as a result of any alteration of

the terrain caused as a result of any federal construction project or federally licensed activity or program. Whenever the applicant finds, or is notified in writing by an appropriate historical or archaeological authority, that its activities in connection with any federal funded construction project or federally licensed project, activity or program may cause irreparable loss or destruction of significant scientific, prehistoric, historical or archaeological data, the applicant must notify the U.S. Secretary of Interior in writing and provide appropriate information concerning the project or program activity.

K. THE ARCHAEOLOGICAL AND HISTORICAL DATA PRESERVATION ACT OF 1974 (16 U.S.C. 469 a-1 et seq.)

The applicant shall comply with the Archaeological and Historical Data Preservation Act, which provides for the preservation of historic and archaeological information that would be lost due to development and construction activities as a result of federally funded activities.

L. THE SAFE DRINKING WATER ACT OF 1974, AS AMENDED (42 U.S.C. Section 201, 300(f) et seq., and U.S.C. Section 349)

The applicant must comply with the Safe Drinking Water Act, as amended, which is intended to protect underground sources of water. No commitment for federal financial assistance, according to this Act, shall be entered into for any project which the U.S. Environmental Protection Agency determines may contaminate an aquifer which is the sole or principal drinking water source for an area.

M. THE FEDERAL WATER POLLUTION CONTROL ACT OF 1972, AS AMENDED, INCLUDING THE CLEAR WATER ACT OF 1977, PUBLIC LAW 92-212 (33 U.S.C. SECTION 1251 et seq.)

The applicant must assure compliance with the Water Pollution Control Act, as amended, which provides for the restoration of chemical, physical and biological integrity of the nation's water.

N. THE SOLID WASTE DISPOSAL ACT, AS AMENDED BY THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976 (42 U.S.C. SECTION 6901 et seq.)

The applicant must assure compliance with the Solid Waste Disposal Act, as amended. The purpose of this Act is to promote the protection of health and the environment and to conserve valuable material and energy resources.

O. THE FISH AND WILDLIFE COORDINATION ACT OF 1958, AS AMENDED (16 U.S.C. SECTION 661 et seq.)

The applicant must assure compliance with the Fish and Wildlife Coordination Act, as amended. The Act assures that wildlife conservation receives equal consideration and is coordinated with water resources development programs.

P. PREVAILING WAGES ON PUBLIC WORKS, CHAPTER 39.12 RCW

The applicant shall comply with the provisions of Chapter 39.12 RCW, Prevailing Wages on Public Works. This statute mandates that the prevailing rate of wage, as determined by the state Department of Labor and Industries, be paid to workers performing under public works contracts.

Q. OPEN PUBLIC MEETINGS ACT, CHAPTER 42.30 RCW

The applicant shall comply with provisions of Chapter 42.30 RCW which require that all meetings of the governing body which pertain to the implementation of the Fire Management Assistance Grant Program shall be open to the public except those where specific provision is made for executive sessions pursuant to RCW 42.30.110.

R. LAW AGAINST DISCRIMINATION, CHAPTER 49.60 RCW

The applicant shall comply with the provisions of Chapter 49.60 RCW in all activities relating to the implementation of this program.

S. GOVERNOR'S EXECUTIVE ORDER 89-10, DECEMBER 11, 1989: PROTECTION OF WETLANDS, AND GOVERNOR'S EXECUTIVE ORDER 90-04, APRIL 21, 1990: PROTECTION OF WETLANDS

The applicant shall ensure that it avoids any activities that would adversely affect wetlands and adequately mitigates unavoidable impacts. For the purposes of this requirement, except where a contrary definition is provided by statute, mitigation means: (1) avoiding the impact altogether by not taking certain action or part of an action; (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts; (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; (5) compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and (6) monitoring the impact and taking appropriate corrective measures.

Mitigation for individual actions may include a combination of the above measures. Mitigation may not include any of the above measures to the extent they may be contrary to statute as applied under the particular circumstances. Emergency work essential to save lives and protect property and public health is exempt from these provisions.

APPENDICES

APPENDIX A – DEFINITIONS

The following definitions explain terms used in Public Assistance and the Fire Management Assistance Program.

Applicant – a government or other legal entity that receives an award, and which is accountable to the state for the use of the funds provided.

Associate Director – the Associate Director of the Readiness, Response and Recovery Directorate of FEMA, or his/her designated representative.

Code of Federal Regulations – “44 CFR, Chapter 1, Federal Emergency Management Agency,” the primary volume regarding the Public Assistance Program, and Fire Management Assistance Program under the Federal Emergency Management Agency’s direction.

Damage Assessment – the process utilized to determine the magnitude of damage and the unmet needs of the public sector caused by a disaster or emergency event.

Declared Fire – an uncontrolled fire or fire complex, threatening such destruction as would constitute a major disaster, which the Associate Director has approved in response to a state’s request for a fire management assistance declaration.

Demobilization – the process and procedures for deactivating, disassembling, and transporting back to their point of origin all resources that had been provided to respond to and support a declared fire.

Federal Emergency Management Agency (FEMA) – the federal agency created to provide a single point of accountability for all federal activities related to disaster mitigation and emergency preparedness, response and recovery.

FEMA/State Agreement – the formal legal document between FEMA and the state which states the understandings, commitments, and binding conditions for assistance applicable as a result of the declaration of a fire. The agreement is signed by the FEMA Regional Director or designee, and the Governor.

Fire Complex – two or more individual fires located in the same general area, which are assigned to a single Incident Commander.

Force Account – an applicant’s own labor forces and equipment.

Governor's Authorized Representative (GAR) – the person empowered by the Governor to execute, on behalf of the state, all documents for fire management assistance, including the request for a fire management assistance declaration.

Grant – an award of financial assistance including cooperative agreements, by FEMA to an eligible state. The grant award will be based on the projected amount of total eligible costs for which a state submits an application and that FEMA approves related to a declared fire.

Incident Commander – the ranking official responsible for overseeing the management of fire operations, planning, logistics and finances of the field response.

Incident Period – the time interval during which the declared fire occurs. The Regional Director, in consultation with the Governor's Authorized Representative and the Principle Advisor, will establish the incident period. Generally, costs must be incurred during the incident period to be considered eligible.

Indian Tribal Government – an Indian tribal government is any federally recognized governing body of an Indian tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges as an Indian tribe under the Federally Recognized Tribe List Act of 1994, 25 U.S.C.479a.

Local Government – a local government is any county, municipality, city, town, township, public authority, school district, special district, intrastate district, council of governments, regional or interstate government entity, agency or instrumentality of a local government, or other political subdivision of any state; any Indian tribal government or authorized tribal organization and any rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a state or political subdivision thereof.

Mitigation, Management, and Control – those activities undertaken, generally during the incident period of a declared fire, to minimize immediate adverse effects and to manage and control the fire. Eligible activities may include associated emergency work and pre-positioning directly related to the declared fire.

Mobilization – the process and procedures used for activating, assembling, and transporting all resources that the state requested to respond to support a declared fire.

Pre-positioning – moving existing fire prevention or suppression resources from an area of lower fire danger to one of higher fire danger in anticipation of an increase in fire activity likely to constitute the threat of a major disaster.

Project Worksheet (FEMA Form 90-91) – this form identifies actual costs incurred by eligible applicants as a result of the eligible firefighting activities.

Regional Director – a director of a regional office of FEMA, or his/her designated representative.

State – the state of Washington. The grant is awarded to the state of Washington which is accountable for the use of the funds provided. The state is the entire legal entity, even if only a particular component of the entity is designated in the grant award document.

Threat of a Major Disaster – the potential impact of a fire or fire complex is of such severity and magnitude that would result in a presidential major disaster declaration for the Public Assistance Program, the Individual Assistance Program, or both.

Uncontrolled Fire – any fire not safely confined to predetermined control lines as established by firefighting resources.

Washington Military Department – means the Emergency Management Division of the Washington Military Department, which is the responsible agency for administering the Fire Management Assistance Grant Program in the state of Washington.

APPENDIX B – ACRONYMS

CFR	Code of Federal Regulations
EMD	Emergency Management Division
FCC	Final Costs Claimed
FEMA	Federal Emergency Management Agency
FEPP	Federal Excess Personal Property
FMAGP	Fire Management Assistance Grant Program
GAR	Governor's Authorized Representative
NFIP	National Flood Insurance Program
PAC	Public Assistance Coordinator
PL	Public Law
PW	Project Worksheet
RFMA	Request for Fire Management Assistance
WMD	Washington Military Department

APPENDIX C – FORMS

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APPENDIX D – RESOURCES

FEMA forms on the Internet: <http://www.fema.gov/r-n-r/pa/appfrm1.htm>.

- Project Worksheet
- Force Account Labor Summary Record
- Materials Summary Record
- Rented Equipment Summary Record
- Contract Work Summary Record
- Force Account Equipment Summary Record
- Applicant's Benefits Calculation Worksheet

State forms on the Internet: <http://www.wa.gov/wsem/>.

- Request for Fire management Assistance Grant
- Designation of Applicant's Agent Resolution (with Instructions)
- State Fire Management Assistance Grant Application
- Invoice Voucher (A-19-1A)

Robert T. Stafford Act, P.L. 93-288: <http://www.fema.gov/library/stafact.htm>

OMB circulars on the Internet: <http://www.whitehouse.gov/omb/circulars/>

Hazard Mitigation Program: Martin Best - Tel. (253) 512-7073

APPENDIX E – APPLICABLE STAFFORD ACT PROVISIONS

Applicable Stafford Act Provisions:

- Section 403

{403} 5170b. Essential Assistance

(a) In general

Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster, as follows:

(1) Federal resources, generally

Utilizing, lending, or donating to State and local governments Federal equipment, supplies, facilities, personnel, and other resources, other than the extension of credit, for use or distribution by such governments in accordance with the purposes of this Act.

(2) Medicine, food, and other consumables

Distributing or rendering through State and local governments, the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations medicine, food, and other consumable supplies, and other services and assistance to disaster victims.

(3) Work and services to save lives and protect property

Performing on public or private lands or waters any work or services essential to saving lives and protecting and preserving property or public health and safety, including--

(A) debris removal;

(B) search and rescue, emergency medical care, emergency mass care, emergency shelter, and provision of food, water, medicine, and other essential needs, including movement of supplies or persons;

(C) clearance of roads and construction of temporary

bridges necessary to the performance of emergency tasks and essential community services;

- (D) provision of temporary facilities for schools and other essential community services;
- (E) demolition of unsafe structures which endanger the public;
- (F) warning of further risks and hazards;
- (G) dissemination of public information and assistance regarding health and safety measures;
- (H) provision of technical advice to State and local governments on disaster management and control; and
- (I) reduction of immediate threats to life, property, and public health and safety.

(4) Contributions

- (a) Making contributions to State or local governments or owners or operators of private nonprofit facilities for the purpose of carrying out the provisions of this subsection.
- (b) Federal share

The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of such assistance.

- (c) Utilization of DOD resources

(1) General rule

During the immediate aftermath of an incident which may ultimately qualify for assistance under this title or title V of this Act [42 U.S.C. 5170 et seq. or 5191 et seq.], the Governor of the State in which such incident occurred may request the President to direct the Secretary of Defense to utilize the resources of the Department of Defense for the purpose of performing on public and private lands any emergency work which is made necessary by such incident and which is essential for the preservation of life and property. If the President determines that such work is essential for the preservation of life and property, the President shall grant such request to the extent the President determines practicable. Such emergency work may only be carried out for a period not to exceed 10 days.

(2) Rules applicable to debris removal

Any removal of debris and wreckage carried out under this subsection shall be subject to section 5173(b) of this title [42 U.S.C. 5173(b)], relating to unconditional authorization and indemnification for debris removal.

(3) Expenditures out of disaster relief funds

The cost of any assistance provided pursuant to this subsection shall be reimbursed out of funds made available to carry out this Act.

(4) Federal share

The Federal share of assistance under this subsection shall be not less than 75 percent.

(5) Guidelines

Not later than 180 days after the date of the enactment of the Disaster Relief and Emergency Assistance Amendments of 1988 [enacted Nov. 23, 1988], the President shall issue guidelines for carrying out this subsection. Such guidelines shall consider any likely effect assistance under this subsection will have on the availability of other forms of assistance under this Act.

(6) Definitions

For purposes of this section—

(A) Department of Defense

The term 'Department of Defense' has the same meaning as the term "department" under section 101 of title 10, United States Code.

(B) Emergency work

The term "emergency work" includes clearance and removal of debris and wreckage and temporary restoration of essential public facilities and services.

- Section 420

{420} Fire Management Assistance

- (a) IN GENERAL – The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.
- (b) COORDINATION WITH STATE AND TRIBAL DEPARTMENTS OF FORESTRY – In providing assistance under this section, the President shall coordinate with State and tribal departments of forestry.
- (c) ESSENTIAL ASSISTANCE – In providing assistance under this section, the President may use the authority provided under section 403.
- (d) RULES AND REGULATIONS – The President shall prescribe such rules and regulations as are necessary to carry out this section.
- (e) EFFECTIVE DATE – The amendment made by subsection (a) takes effect 1 year after the date of the enactment of this Act.

APPENDIX F

44 CFR Part 204

Fire Management Assistance Grant Program